



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-0848/2
CMH:jld

2015 SENATE BILL 398

November 20, 2015 – Introduced by Senators L. TAYLOR and HARRIS DODD, cosponsored by Representatives KNUDSON, BERCEAU and GOYKE. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT** *to repeal* 165.77 (4) (am) 2. b. and 165.77 (4) (am) 3. b.; and *to create*
2 165.77 (4) (cm) of the statutes; **relating to:** expungement of deoxyribonucleic
3 acid from crime laboratories if person not adjudicated guilty or delinquent.

Analysis by the Legislative Reference Bureau

Under this bill, if a court reaches final disposition for all charges or allegations for which a person was required to provide a biological sample to the Department of Justice (DOJ) for deoxyribonucleic acid (DNA) analysis and the person is not found guilty or delinquent on any such charge or allegation, the court must inform DOJ. Then DOJ must purge all DNA records and information, and destroy all biological samples, pertaining to that person. Current law requires such a person to request DOJ to purge all records and information and destroy all such samples and for DOJ to verify that final disposition was reached on all charges and allegations without a guilty or delinquent verdict before fulfilling the request.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 165.77 (4) (am) 2. b. of the statutes, as affected by 2013 Wisconsin
5 Act 214, is repealed.

SECTION 2. 165.77 (4) (am) 3. b. of the statutes, as affected by 2013 Wisconsin Act 214, is repealed.

SECTION 3. 165.77 (4) (cm) of the statutes is created to read:

165.77 (4) (cm) If a court reaches final disposition for any charge or allegation for which a person was required to provide a biological specimen under s. 165.84 (7), 938.21 (1m), 938.30 (2m), or 970.02 (8) and the person is not adjudged guilty or delinquent for any such charge or allegation, the court shall inform the department. Upon receiving such information, the laboratories shall purge all records and identifiable information in the data bank pertaining to the person, and destroy all samples from the person, related to that charge or allegation.

SECTION 4. Effective date.

(1) This act takes effect on the first day of the 6th month beginning after publication.

(END)